North West Regional College
Policy and Procedures
Policy on Disclosure of Criminal History

<table>
<thead>
<tr>
<th>Issue</th>
<th>Document Title</th>
<th>Date Last Reviewed</th>
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<tr>
<td>2</td>
<td>Policy on Disclosure of Criminal History</td>
<td>June 2017</td>
<td>June 2020</td>
<td>Kate Duffy</td>
</tr>
</tbody>
</table>
North West Regional College
Policy on Disclosure of Criminal History

1. Purpose

The purpose of this policy is to have in place a robust disclosure and risk management process in respect of criminal convictions declared by the student population. The management of this information must be in keeping with legislative authority and the College’s obligations under the Data Protection Act 1998.

2. Data Protection Statement

The information disclosed or shared in relation to a student's criminal conviction is considered to be protectively marked ‘OFFICIAL RESTRICTED - PERSONAL’. Information, which includes references to criminal offences, Court disposals or risk, should always be marked RESTRICTED.

3. Safeguarding Assessment

The Safeguarding Assessment process is mandatory for all students that have disclosed previous and or pending convictions. The College would like to confirm that engagement in this process does not automatically restrict a student from securing a place within the College. It is important to note however that the conditions of a student's offer are subject to the satisfactory checks and assessment having been complete in line with the NWRC Policy on the Disclosure of Criminal History.

If previous convictions are not disclosed at the point of admission and the College learns or is notified retrospectively this may result in a student being asked to leave the course. Depending on the course, there may be occasions whereby a current/previous conviction may preclude a student from engaging on a particular course. When this is apparent, the College shall discuss this with the student in full and alternative options and courses of academic study will be provided via the College Career’s Academy.

4. Disclosure

For the purposes of this process the student must give his or her consent for the sharing of information from the College to the relevant Criminal Justice Agency, and/or the nominated appropriate referee such as a legal representative or a previous employer. If consent is not given, the application process cannot proceed and this will be explained to the student. The Generic Consent Form in Appendix 3 will be used by the Safeguarding Officer for this purpose.

In some cases if obtaining consent is not possible or appropriate, the College must consider the possible grounds to override consent. It is possible to disclose personal information without consent. An overriding public interest may justify disclosure; however proportionality must be applied to ensure that a fair balance is achieved between the public interest and the right of the student.
5. The Rehabilitation of Offenders (Northern Ireland) Order 1978

The Rehabilitation of Offenders (Northern Ireland) Order 1978 primarily exists to support the rehabilitation into employment of reformed offenders who have stayed on the right side of the law. In recognising this and the importance of education and training to secure future employment the NWRC College is required to meet their responsibilities under this legislation in line with the Data Protection Act 1998 and the Human Rights Act 1998.

Under the Rehabilitation of Offenders (NI) Order 1978 it is not always necessary to declare criminal convictions depending on the offence. Under certain circumstances once a period of time has lapsed from the date of conviction and there have been no further convictions the conviction becomes *spent*. This means that the individual if asked if they have a criminal record can legally answer ‘no’. The Order *only* covers Custodial sentences of up to two and a half years. Offences dealt with by sentences of 30 Months Imprisonment or more are never *spent*; in practice this means that the more serious offences must always be declared. Otherwise the definition of *spent* is complex, being affected by such factors as the type of the offence, the age at which the person was found guilty and the sentence received.

The following table shows the nature of the conviction and the *spent* period attached to it.

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Aged 18 or over at conviction</th>
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<tr>
<td>Absolute Discharge</td>
<td>6 months</td>
<td></td>
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<tr>
<td>Probation Order, Bind Over, Conditional Discharge, Care/Supervision Order</td>
<td>Date Order ceases OR 1 year – whichever longer</td>
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<td>Fine or Community Service Order Combination Orders</td>
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<td>A period of detention of less than 6 months under Article 45 of the CJ (Children) (NI) Order 1998</td>
<td>N/A</td>
<td>3 years</td>
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**NB:** CUSTODIAL SENTENCE OF MORE THAN TWO & A HALF YEARS CAN NEVER BECOME SPENT

- Consecutive prison sentences count as a single term when calculating the rehabilitation period.
- If more than one sentence was imposed for an offence, the longer rehabilitation period applies.
- If a person receives new conviction during rehabilitation period:
1. For a summary offence (i.e. can only be tried at Magistrates Court) both rehabilitation periods expire separately;
2. For a more serious offence (i.e. which could be tried at the Crown Court) neither conviction will become spent until longest period expires.
   - Cautions, reprimands and final warnings are not considered to be convictions and become *spent* immediately unless relevant to “excepted “posts.
   - A *spent* conviction will remain on your Criminal Record. It is an offence for anyone to give information about spent convictions from official records except in the course of official duties.

6. **AccessNI Checks**

As a Registered Body of AccessNI, the College will handle all AccessNI Enhanced Disclosures checks securely and will fully comply with the AccessNI Code of Practice. The College will treat the subject of every AccessNI check fairly and will not discriminate solely on the basis on information revealed on such disclosure certificates. The College will ensure that all disclosure information is handled sensitively and kept in a confidential, secure manner as per the College Retention and Disposal Policy.

For some courses, **disclosure** is required by law or by an external statutory or regulatory body.

Certain types of courses require the disclosure of both *spent* and *unspent* convictions, and indeed non-conviction information. This would include Formal Cautions, Informed Warnings and non-conviction Binding Over Orders, and Diversionary Youth Conferences. Or in some circumstances if an applicant/student is facing prosecution.

The following occupational areas are defined as “exempt” under the Rehabilitation of Offenders (Exceptions) Order (NI) 1979 and may also be defined as Regulated Activity under the Safeguarding Vulnerable Groups (NI) Order 2007, as amended :-

**Teaching, Health, Social Work, Veterinary Medicine, Veterinary Science or courses involving work with children or adults who may be at risk of, or experiencing harm.** Any criminal convictions, Cautions (including Verbal Cautions), Reprimands, Final Warnings and Binding Over Orders are exempt from the Rehabilitation of Offenders (Northern Ireland) Order 1978. In such circumstances, applicants/students will be asked to agree to a Criminal Record Check.

Course teams will work in tandem with the College Safeguarding Officer to specify the courses where AccessNI Enhanced checks are required and advise students of the College’s Enhanced Student Disclosure process.

8. **Convictions After the Commencement of a Course**

If a student is convicted of a criminal offence after he/she has applied or started the course he/she must inform the College Safeguarding Officer immediately. All information will be treated confidentially and in line with the Data Protection Act 1998. As set out in Section 3 of this Policy the student will then be subject to the Safeguarding Assessment which will involve a Risk Assessment to determine the level of potential risk their criminal behaviour presents to themselves, other students, staff or visitors within the College environment. The student will also be made aware of support organisations such as NIACRO.

The purpose of the College Risk Assessment is to identify and assess any applicant whose declared record of offence(s) indicates they could be a potential risk to themselves, other students, staff, visitors or the College environment.

It is imperative that anyone with an *unspent* criminal conviction or anyone that wishes to undertake a course of study where the criminal convictions/cautions would not be classed as *spent* declares this either

1. Upon enrolment  
   Or  
2. If convicted after enrolment immediately after they have been sentenced by the Court.

Failure to do so could result in the withdrawal of the student from the course.

10. Confidentiality

The information collected during the Risk Assessment process will be made available to staff on a need to know basis only. The following rules are crucial in the operation of the Safeguarding Assessment for the disclosure of criminal history:

- We adhere to the legislative basis for sharing information in accordance with the Data Protection Act 1998 and the Human Rights 1998, recognising that they are ‘frameworks’ to guide us in relation to the sharing of students personal and sensitive information;
- If disclosure of personal and sensitive information is required by law it should be only in the instance of public interest and public safety;
- Honesty is the best policy from the outset, defining clearly that as staff why, what, how and with whom information will, or could be shared, shall be sought by student consent, unless it is unsafe or inappropriate to do so.

As set out in Section 2 of this Policy all information obtained through the Safeguarding Assessment will be stored securely at all times in line with the Data Protection Act 1998. Generally, the following staff will require access to Risk Assessments in the execution of their duties:

- The College Safeguarding Officer  
- The Director of HR & Learner Services

Following a Risk Assessment, relevant information concerning a student and the nature of any conviction will be made available by the College to specific staff and Work Placement Providers on a need to know basis.

11. Appeals

Applicants who have been refused a place at College as a result of a Risk Assessment may appeal against this decision in writing within fourteen days from the date on the letter to the Director of Curriculum. The Director of Curriculum will consider each individual case and confirm their decision to the applicant in writing.
Appendix 1

The following steps should be followed by the College when requesting and processing disclosure information:

- **Complete Disclosure Form**
  Students applying to the College are required to make a written declaration on either the North West Regional College Basic Student Disclosure Form (Appendix 4) or the North West Regional College Enhanced Student Disclosure Form (Appendix 5). The applicant is to bring these completed documents to their first appointment with the Safeguarding Officer, Student Services Department, Tower Building, Strand Road Campus.

- **Consent to Contact External Agencies in Support of Your Application**
  If deemed applicable the applicants must give their written consent (Appendix 3) in order for the College to obtain information from an external agency (e.g. Any Criminal Justice Agency including but not limited to The Probation Board for Northern Ireland, The Youth Justice Agency, The Police Service of Northern Ireland, NIACRO and/or their nominated appropriate referee such as a legal representative or a previous employer) whose involvement may be required in this process to independently verify some if not all of the following information:
  - The current offences for which the applicant is engaged with the CJA
  - Any pending offences before the Court as disclosed by the applicant
  - The level of risk the applicant poses and what specific risk factors are linked to their current offence(s)
  - The level of contact the applicant has with the CJA
  - A Supporting Statement to detail why this applicant will benefit from engaging in FE / HE / Training

- **Risk Assessment Phase 1**
  The feedback from such external organisations is an important part of the process, from which we can establish risk posed, and what type of support measures may be necessary. Failure to provide consent means that we cannot conduct a meaningful assessment on the risk posed; therefore, the application to study at the College will be withdrawn.

  It may be the case that the applicant has not had any involvement with a Criminal Justice Agency, in such cases appropriate references will be sought by the College. In addition, an AccessNI report may be required to further validate the applicant’s criminal history disclosure.

  Once all feedback from the specified external organisation(s) has been received the Safeguarding Officer can then complete the required assessment.

- **Risk Assessment Phase 2**
  Following the Safeguarding Risk Assessment if the Criminal Record history is assessed as medium or high risk a Safeguarding Strategy Meeting is convened. A decision is then agreed between the Director of HR and Learner Services, Head of Student Services and the Safeguarding Officer. The applicant is issued with the designated Standard Letter in accordance with the outcome of their application and the admissions team are notified.

  If the Risk Assessment is assessed as low risk a decision is agreed between with Head of Student Services and the Safeguarding Officer. The applicant is issued with the designated Standard Letter in accordance with the outcome of their application and the admissions team are notified.
Risk Assessment data is classed as ‘OFFICIAL RESTRICTED - PERSONAL’ and only those authorised to access the information as stated in Section 2 of this Policy are permitted to do so. There are five possible outcomes from a Safeguarding Risk Assessment, which include:

- **‘ACCEPT & PROGRESS’**
  No further action under Adult Safeguarding Procedures. Case to be managed through conventional interventions. Applicant can proceed with enrolment process and application is removed from ‘HOLD’ in the Admissions Process to ‘ACCEPT & PROGRESS’. Standard Letter 3 is forwarded to the applicant to update on status of their enrolment.

- **‘CONTRACT OF ATTENDANCE’**
  Applicant is invited to meet with the Safeguarding Officer to draw up a ‘CONTRACT OF ATTENDANCE’ as a prerequisite to proceeding to ‘ACCEPT & PROGRESS’ in the Admissions Process. Standard Letter 4 is forwarded to the applicant to update on status of their enrolment with details of their appointment with the Safeguarding Officer.

- **‘HOLD’**
  Further information required prior to a decision being made. Application remains at ‘HOLD’ in the Admissions Process. Standard Letter 5 is forwarded to the applicant to update on status of their Enrolment.

- **‘DECLINED’**
  Application is ‘DECLINED’. The College Safeguarding Strategy Meeting have reached this decision as they believe they cannot implement effective risk management procedures due to the level of risk presented which is deemed to be at least a ‘medium’. Standard Letter 6 is forwarded to the applicant to update on status of their enrolment.

- **‘DEFERRED’**
  Application is ‘DEFERRED’ on the evidence of the frequency and nature of the applicants Criminal Conviction(s). Standard Letter 7 is forwarded to the applicant to update on status of their enrolment.

It is important to note that during a course of study an individual’s circumstances may change. The College reserves the right to conduct a Risk Assessment on any student at any time if it is found the student has previous or current convictions/cautions they have failed to disclose.

- **Risk Assessment Phase 3 – Part Time Courses of Study**

  Student enrolment Risk Assessment procedures differ slightly for Part Time courses of study as it is possible for a student just to turn up on the evening a class commences and enrol. Consequently, the onus is on the student to declare their conviction and to go through the same Safeguarding Assessment procedures prior to enrolling on their programme of study. Due to the nature of the Part Time enrolments the Admissions Department shall distribute a Standard Letter to each potential applicant which will advise the applicant to contact the Safeguarding Officer directly on 02871 278709 to arrange a suitable time to participate in a Safeguarding assessment. The Admissions department will also send an email to the Safeguarding Officer as notification that an applicant has ticked yes to one of both of the Safeguarding questions on the enrolment form.
There is a requirement that applicants wishing to simply enrol on a programme of study must be engaged in the Safeguarding assessment \textit{at least four weeks} ahead of the scheduled start of their proposed programme of study. This will ensure that there is enough time to conduct appropriate Risk Assessment ahead of the course commencing.

Part Time applicants will then follow the same process for the disclosure of their criminal history as set out in Steps 1 – 4 of this Policy.
The applicant completes the NWRC Enrolment Form

The applicant has ticked ‘yes’ to one or both of the Safeguarding questions in the Safeguarding Section of the NWRC Enrolment Form

The applicant will be placed to ‘HOLD’ in the Admissions Process

This will not disadvantage the applicant

An automatic response is sent from the online Admissions system to the Safeguarding Officer via the disclosures@nwrc.ac.uk mailbox

The Safeguarding Officer issues Standard letter 1 to the applicant (adult/minor)

Please include NWRC standard or enhanced student disclosure form & three step process for Access NI if necessary

Applicant attends for Safeguarding Disclosure Interview

Applicant DNA x2 for Safeguarding Disclosure Interview

Standard letter 2 issued to applicant

Applicant is withdraw from admissions process

DIS 1 record completed by Safeguarding Officer

Completed documentation to be attached to Safeguarding Disclosures Database

Request for verification of criminal disclosure from CJA or reference from an appropriate referee

OR

Process of an Access NI if relevant to chosen course of study

Risk Assessment completed

Safeguarding Strategy meeting is conveyed and the DIS 1 is presented by the Safeguarding Officer to all members of the Safeguarding panel

Joint action to be agreed at Safeguarding Strategy meeting and all members sign the DIS 1

The applicant is issued with the designated standard letter in accordance with the ‘STATUS’ of their application

The Safeguarding Officer will forward the outcome electronically to the Admissions Department

Accept and progress

Withdrawn
Appendix 3

To whom it may concern

I would like to confirm that I give my informed consent for Shannon Doherty; Safeguarding Officer at North West Regional College permission to contact relevant professionals to verify information that I have share via a Student Safeguarding assessment. This shall include my previous / pending adjudicated matter(s) before the Court.

Signed:

_________________________

Date:

________________________________

SHANNON DOHERTY
Safeguarding Officer
North West Regional College
Strand Road
BT487AL
T. 02871278709
Important information – Criminal History Check

The Rehabilitation of Offenders (Northern Ireland) Order 1978 primarily exists to support the rehabilitation into employment of reformed offenders who have stayed on the right side of the law. In recognising this and the importance of education and training to secure employment in your future the North West Regional College is required to meet their responsibilities under this legislation in line with the Data Protection Act 1998 and the Human Rights Act 1998.

The North West Regional College currently implements a number of arrangements to provide a safe environment for children and adults that are assessed as adults at risk or adults in need of protection. Among other things, these arrangements include conducting pre-employment and pre-admissions checks; a Code of Conduct for Staff and Students; Safeguarding Procedures and Risk Assessment and reporting procedures for dealing with any allegation of abuse or harm.

As per the College’s pre-admission process we are required to gather and examine all information that concerns Safeguarding in regards to all prospective students. Given you have answered ‘Yes’ to one and or both of the Safeguarding Questions on your Enrolment Form the College requires additional information in order to help us progress your application.

Any disclosure will be seen in the context of the course of study / occupational area you wish to follow, the nature of the offence and the responsibility for the care of other staff and students.

Below you are asked to disclose any criminal convictions ‘except those which are considered “SPENT” under the Rehabilitation of Offenders (NI) Order 1978’. To decide if your conviction is “SPENT” please refer to the enclosed information.

I would like to confirm that all information obtained through this process shall be compliant with the North West Regional’s obligations under the Data Protection Act 1998 and it shall not be used for any other purpose other than that which has been discussed with you. Furthermore your information shall not be discussed with anyone else without your consent, and you will be informed in due course who needs to know about your conviction(s) if this is required by law.
Please complete this *Basic Student Disclosure Form* as accurately as possible and bring this with you to your appointment with the Safeguarding Officer on **** 2017 at the Student Services Department.

FAILURE TO COMPLETE A STUDENT DISCLOSURE OF CRIMINAL CONVICTIONS WILL MEAN YOU CANNOT COMMENCE YOUR COURSE

SHANNON DOHERTY
Safeguarding Officer
North West Regional College
Strand Road
BT487AL
T. 02871278709
Derry~Londonderry / Limavady / Strabane
Do you have any UNSPENT convictions? Yes / No

If you have answered YES to the above question please provide detail below.

If you have answered no to the question above then please state ‘NONE’ in the box below.

<table>
<thead>
<tr>
<th>1. DETAILS OF CONVICTION (S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you do not have the actual date of offence commission, please be as accurate as possible</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. OFFENCE(S)</th>
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</thead>
<tbody>
<tr>
<td>For example, Shop Lifting, Driving with no Insurance, Common Assault</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>3. SENTENCE IMPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>What was the outcome of your conviction(s), for example a Fine, Absolute Discharge, Caution, Probation Order, Prison Sentence</td>
</tr>
</tbody>
</table>

Please provide details here:

Please provide any other information that you feel may be of relevance such as:

- The circumstances of the offence
- A comment on the sentence you received
- Any relevant developments in your situation from the imposition of your sentence
- Whether or not you feel that the conviction has relevance to your chosen course of study / occupational area you wish to follow
Declaration

I declare that any answers are complete and correct to the best of my knowledge and I agree for this information to be shared where necessary for the purposes only of my education / training opportunities.

SIGNED: ________________________________________________________________

DATE: ________________________________________________________________
Appendix 5

NWRC Enhanced Student Disclosure Form

Applicant Name: ________________________________________________________________

Date of Birth: _________________________________________________________________

Course Applied For: ____________________________________________________________

IMPORTANT INFORMATION – CRIMINAL HISTORY CHECK

The Rehabilitation of Offenders (Northern Ireland) Order 1978 primarily exists to support the rehabilitation into employment of reformed offenders who have stayed on the right side of the law. In recognising this and the importance of education and training to secure employment in your future the North West Regional College is required to meet their responsibilities under this legislation in line with the Data Protection Act 1998 and the Human Rights Act 1998.

The North West Regional College currently implements a number of arrangements to provide a safe environment for children and adults that are assessed as adults at risk or adults in need of protection. Among other things, these arrangements include conducting pre-employment and pre-admissions checks; a Code of Conduct for Staff and Students; Safeguarding Procedures and Risk Assessment and reporting procedures for dealing with any allegation of abuse or harm.

As per the College’s pre-admission process we are required to gather and examine all information that concerns Safeguarding in regards to all prospective students. Given you have answered ‘Yes’ to one and or both of the Safeguarding Questions on your Enrolment Form the College requires additional information in order to help us progress your application.

Any disclosure will be seen in the context of the course of study / occupational area you wish to follow, the nature of the offence and the responsibility for the care of other staff and students. This information is required by the new Disclosure & Barring Programme in line with legislative requirements.

You have applied for a course which is a Regulated Activity Position as defined by the Safeguarding Vulnerable Groups (NI) Order 2007 and also falls within the definition of an “excepted” position as provided by the Rehabilitation of Offenders (Exceptions) Order (NI) 1979 as amended: therefore you must answer the questions below accurately. This information will be verified through an appropriate Access NI Enhanced Disclosure and Barred List Check.

I would like to confirm that all information obtained through this process shall be compliant with the North West Regional’s obligations under the Data Protection Act 1998 and it shall not be used for any other purpose other than that which has been discussed with you. Furthermore your information shall not be discussed with anyone else without your consent, and you will be informed in due course who needs to know about your conviction(s) if this is required by law.
Please complete this *Enhanced Student Disclosure Form* as accurately as possible and bring this with you to your appointment with the Safeguarding Officer on ***** October 2016 at the Student Services Department.

**FAILURE TO COMPLETE A STUDENT DISCLOSURE OF CRIMINAL CONVICTIONS WILL MEAN YOU CANNOT COMMENCE YOUR COURSE**

SHANNON DOHERTY  
Safeguarding Officer  
North West Regional College  
Strand Road  
BT487AL  
T. 02871278709  
Derry –Londonderry . Limavady . Strabane
Question 1

Are you currently subject to inclusion on the CHILDREN’S and / or ADULTS BARRED LIST?
Yes/No

Question 2

(2a) Do you have any CONVICTIONS, CAUTIONS, INFORMED WARNINGS or DIVERSIONARY YOUTH CONFERENCES that are not subject to filtering?
Yes/No
(Please see information sheet attached for further information)

(2b) Do you have any CASES PENDING?
Yes/No
If you have answered YES to any of the above questions please provide details below

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Declaration

I declare that any answers are complete and correct to the best of my knowledge and I agree for this information to be shared where necessary for the purposes only of my education / training opportunities.

SIGNED: ____________________________________________

DATE: ___________________________________________________________________
THE REHABILITATION OF OFFENDERS (EXCEPTIONS) ORDER (NI) 1979

Some jobs/roles are considered so sensitive or risky that all criminal offences must be declared regardless. A range of occupations (paid & unpaid) are exempted from the legislation, for these posts applicants **MUST** disclose information on both “spent” AND “unspent” convictions. The list of posts is extensive & can be summarised as follows:

- **WORK THAT INVOLVES CONTACT WITH CHILDREN OR YOUNG PEOPLE OR VULNERABLE ADULT GROUPS** – e.g. provision of health care or social services, work with children such as youth work, education, leisure centres, or with adults with learning disabilities, mental illness, the elderly, taxi drivers.
- **PROFESSIONS THAT ARE REGULATED BY LAW** – e.g. medical practitioner, nurse, chemist, optician, accountant, manager of an insurance company.
- **POSTS INVOLVING NATIONAL SECURITY** e.g. security personnel/senior civil service posts.
- **POSTS CONCERNED WITH ADMINISTRATION OF JUSTICE** e.g. police officers, solicitors, probation officers, traffic wardens, judges, prison officers.

**THE REHABILITATION OF OFFENDERS (NI) ORDER 1978**

Other jobs/roles such as retail, general operatives, administration etc. which do not have access to the vulnerable or their personal details, may allow sentences to become ‘spent’ after fixed periods from the date of conviction. **If a conviction is ‘spent’ you do not have to mention it, even when asked, unless applying for a post which is “excepted” under this legislation (see above)**

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(ii) For a more serious offence (i.e. which could be tried at the Crown Court) neither conviction will become spent until longest period expires.

Cautions, reprimands and final warnings are not considered to be convictions and become “spent” immediately unless relevant to “excepted “posts.

A spent conviction will remain on your criminal record. It is an offence for anyone to give information about spent convictions from official records except in the course of official duties.

Filtering Arrangements for Disclosure of Criminal Record Information in Northern Ireland
Effective 14th April 2014

Introduction
This briefing provides an update on the arrangements for disclosing information about criminal records in Northern Ireland. It explains how the new filtering scheme will work in principle, but if you need more information or advice on your specific circumstances, please contact NIACRO’s Employment Advice Line on 028 9032 0157, or email us at niacro@niacro.co.uk.

What is filtering?
Filtering means that some old and minor convictions and other information (such as cautions/ informed warnings/ diversionary youth conferences) will no longer be automatically disclosed on Standard and Enhanced Access NI checks. This means that some conviction information, which previously would have been disclosed, may not be in the future.

What will be disclosed?
While cautions or convictions which fall within the filtering scheme will no longer be automatically displayed on Standard and Enhanced Access NI checks, remaining relevant conviction information held on the applicant, on the criminal record database, will continue to be disclosed.

Note for Enhanced Disclosure Checks (EDCs):
The PSNI may decide to include information about convictions/ cautions which have been filtered by Access NI on the basis that they might be relevant and ought to be disclosed. This will show up in the ‘other information’ section of the EDC.

How do I know if my information will be ‘filtered’?
If you have more than one conviction, they will not be subject to the filtering process. If you have one conviction which is not for a specified offence, which is serious, mostly relating to sexual, violent or drug related offending, then it may be subject to filtering. This means that after a certain period, they will no longer be automatically disclosed on Standard and Enhanced AccessNI checked, as outlined in the table below.
For a full list of specified offences, which are exempt from filtering, visit: http://www.dojni.gov.uk/index/accessni/disclosures/filtering.htm

As cautions, informed warnings and diversionary youth conferences are not convictions they will be considered separately to convictions. If the caution, informed warning or diversionary youth conference is not for a specified offence, then it may be filtered in accordance with the table below. If they relate to specified offences, then they will not be subject to filtering.

Filtering guidelines

<table>
<thead>
<tr>
<th>Disposal</th>
<th>Aged 18 or over at time of issue/conviction</th>
<th>Under 18 at time of issue/conviction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conviction for <strong>non-specified offence</strong> [NB. only applies if there are no other convictions on the person’s record]</td>
<td>11 years from the date of conviction</td>
<td>5 ½ years from the date of conviction</td>
</tr>
<tr>
<td>Caution/diversionary youth conferences for <strong>non-specified offence</strong></td>
<td>6 years from date of issue</td>
<td>2 years from date of issue</td>
</tr>
<tr>
<td>Informed warnings for <strong>non-specified offence</strong></td>
<td>1 year from date of issue</td>
<td>1 year from date of issue</td>
</tr>
<tr>
<td>Conviction or caution, diversionary youth conference or informed warning for <strong>specified offence</strong></td>
<td>Will not be filtered</td>
<td>Will not be filtered</td>
</tr>
<tr>
<td>Conviction resulting in a custodial sentence (including suspended sentence) regardless of offence</td>
<td>Will not be filtered</td>
<td>Will not be filtered</td>
</tr>
</tbody>
</table>

**Information on ACCESS NI Enhanced Disclosure Checks (EDC)**

Access NI is a body for the disclosure of an individual’s criminal record history. The Enhanced Disclosure check will provide NI and GB criminal record information held on an individual. It will display the following information:

1) Spent and Unspent Convictions that are not subject to filtering.
2) Cautions, Informed Warnings and Diversionary Youth Conferences that are not subject to filtering.
3) Soft Intelligence or other information. (Information held by the police which does not relate specifically to a conviction but which may be considered to be relevant to the position applied for).
If the post is defined as Regulated Activity an Enhanced Disclosure may also provide DBS Children’s Barred List and/or DBS Adults’ Barred List information. If the post was previously defined as Regulated Activity then barred list information will not appear on the EDC.

For further information please contact:

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